

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

John G. Balestriere*
Matthew W. Schmidt*
BALESTRIERE FARIELLO
225 Broadway, 29th Floor
New York, New York 10007
Telephone: (212) 374-5401
Facsimile: (212) 208-2613
john.balestriere@balestrierefariello.com
Attorneys for Plaintiffs
**Admitted pro hac vice*

JULIA HUBBARD and KAYLA
GOEDINGHAUS,
Plaintiffs,

v.

TRAMMELL S. CROW, JR., DR. BENJAMIN
TODD ELLER, RICHARD HUBBARD, DR.
MELISSA MILLER, DR. JOSEPH BOLIN,
DR. SCOTT WOODS, DR.
MRUGESHKUMAR SHAH, MICHAEL
CAIN, COE JURACEK, PHILIP ECOB, H.J.
COLE, TEXAS RANGER CODY MITCHELL,
KURT KNEWITZ, PAUL PENDERGRASS,
RALPH ROGERS, ROBERT PRUITT, SCOTT
BRUNSON, CASE GROVER, RICHARD
BUTLER, MARK MOLINA, MICHAEL
HYNES, JR., SHAWN MAYER, JADE
MAYER, RCI HOSPITALITY HOLDINGS,
INC., INTEGRITY BASED MARKETING,
LLC, STORM FITNESS NUTRITION, LLC,
ULTRA COMBAT NUTRITION, LLC,
ECOLIFT HOMES LLC, ELEVATED
WELLNESS PARTNERS LLC, DOE
INDIVIDUALS 1–20, and DOE
COMPANIES 21–30

Defendants.

Case No. 5:23-cv-00580-FB

Judge: Hon. Fred Biery

Date Action Filed: May 8, 2023 (transferred)

PLAINTIFFS' RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

Plaintiffs Julia Hubbard (“Hubbard”) and Kayla Goedinghaus (“Goedinghaus”) (collectively “Plaintiffs”) respectfully write in response to this Court’s Order to Show Cause, dated November 20, 2023. (Dkt. No. 234.) Plaintiffs do not object to the dismissal without prejudice of Defendants Mrugeshkumar Shah (“Shah”), Michael Cain (“Cain”), H.J. Cole (“Cole”), Kurt Knewitz (“Knewitz”), Paul Pendergrass (“Pendergrass”), Richard Butler (“Butler”), Mark Molina (“Molina”), Defendants Integrity Based Marketing, LLC, Storm Fitness Nutrition, LLC, Ultra Combat Nutrition, LLC, Ecoloft Homes, LLC, and Elevated Wellness Partners, LLC. Despite diligent attempts at service, explained in the accompanying Declaration of Matthew W. Schmidt (“Schmidt Decl.”), Plaintiffs have been unable to serve these defendants at this time. Plaintiffs also do not object to the dismissal without prejudice of the pseudonymously identified Doe Individuals 1-20 and Doe Companies 21-30, but may identify such individuals and entities at a later date consistent with this Court’s Orders and applicable rules.

Plaintiffs have served Philip Ecob (“Ecob”), Ralph Rogers (“Rogers”), Scott Brunson (“Brunson”), Jade Mayer, and Shawn Mayer—respectively on March 25, 2023, March 24, 2023, January 21, 2023, March 18, 2023, and March 18, 2023—and in review of their files in response to this Court’s Order discovered that they had inadvertently not filed proofs of service with this Court. Plaintiffs apologize for the error and respectfully request that Defendants Ecob, Rogers, Brunson, Jade Mayer, and Shawn Mayer be deemed timely served. Plaintiffs file concurrently with this Response the appropriate proofs of service, and address these defendants in their concurrently filed Plaintiffs’ Response to the Court’s Advisory and Order regarding Defendants Michael Hynes, Jr. (“Hynes”), Richard Hubbard (“Rick Hubbard”), and Brunson.

Dated: New York, New York
December 4, 2023

By: 

John G. Balestriere*

Matthew W. Schmidt*

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225 Broadway, 29th Floor

New York, New York 10007

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Facsimile: (212) 208-2613

john.balestriere@balestrierefariello.com

matthew.schmidt@balestrierefariello.com

Attorneys for Plaintiffs

**Admitted pro hac vice*